

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Nos. 6:20-cv-00729-ADA
6:20-cv-00730-ADA
6:20-cv-00783-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Scheduling Order, the Parties jointly submit this claim construction statement.

I. U.S. Patent No. 7,646,729 (Case No. 6:20-cv-00729-ADA)

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
"sniffer" (claims 1, 13) [proposed by HPE]	"a computer software of hardware that can intercept and log traffic flowing through a network"	"computer hardware or software, connected to a central location of the network, that can intercept and log traffic flowing through a network without affecting the traffic or network characteristics, and which is not a network node, is not known to or detectable by other network elements, can be removed without directly affecting the network topology, and does not manage any aspect of the network"

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
“link status messages” (claims 1, 13) “link state messages” (claims 7, 19) [proposed by HPE]	not indefinite plain and ordinary meaning	indefinite
“inner nodal area” (claims 1, 13) [proposed by HPE]	“inner routing subdomain with nodes that send link status messages only to each other”	“central ring of nodes connected to an element management system”
“outer nodal area[s]” (claims 1, 13) [proposed by HPE]	“outer routing subdomain with nodes that send link status messages only to each other”	“ring of nodes that shares only one node with said inner nodal area, and does not share any nodes with any other outer ring”
“configuring the sniffer as a partition designated inner nodal-area node of the [first / second / remaining] outer nodal area” (claims 1, 13) [proposed by HPE]	plain and ordinary meaning	“employing the Repairs of Partition Areas feature of ISO/IEC 10589:2001 to create a virtual outer ring adjacency to receive link state messages from all nodes in the [first / second / remaining] outer nodal area”

II. U.S. Patent No. 8,462,774 (Case No. 6:20-cv-00730-ADA)

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
“assigning the MC-LAG to a multi-chassis link aggregate group virtual local area network (MC-LAG VLAN)” (claim 12) [proposed by HPE]	plain and ordinary meaning	“allocating each logical port of the MC-LAG corresponding to a virtual IP interface on the local and remote aggregation switches to the same VLAN”

III. U.S. Patent No. 9,398,629 (Case No. 6:20-cv-00783-ADA)

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
“register request” (claims 1, 8) [proposed by HPE]	“message requesting registration”	
“register acknowledgement” (claims 1, 8) [proposed by HPE]	“message acknowledging registration”	
“seed WLAN controller” (claims 1, 8) [proposed by HPE]	plain and ordinary meaning	“a WLAN controller that stores information for all WLAN controllers registered in the mobility domain”
<p>“a processing module operable to:</p> <p>determine an address of at least one seed WLAN controller in the mobility domain;</p> <p>register with the at least one seed WLAN controller in the mobility domain by:</p> <p>transmitting a register request including a layer 3 address of the WLAN controller to the at least one seed WLAN controller with a mobility domain identifier of the mobility domain; and</p> <p>receiving a register acknowledgement from the at least one seed WLAN controller when the mobility domain identifier matches a mobility domain identifier of the at least one seed WLAN</p>	not subject to 35 U.S.C. § 112, ¶ 6, not indefinite, plain and ordinary meaning	<p>Means plus function.</p> <p>The function is:</p> <p>“determine an address of at least one seed WLAN controller in the mobility domain;</p> <p>register with the at least one seed WLAN controller in the mobility domain by:</p> <p>transmitting a register request including a layer 3 address of the WLAN controller to the at least one seed WLAN controller with a mobility domain identifier of the mobility domain; and</p> <p>receiving a register acknowledgement from the at least one seed WLAN controller when the mobility domain identifier matches a mobility domain identifier of the at least one seed WLAN controller; and</p>

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
<p>controller; and receive information for other WLAN controllers in the mobility domain from the at least one seed WLAN controller.” (claim 1) [proposed by HPE]</p>		<p>receive information for other WLAN controllers in the mobility domain from the at least one seed WLAN controller.” The term is indefinite for insufficient disclosure of structure corresponding to the function.</p>
<p>“receive information for other WLAN controllers in the mobility domain” (claim 1) “receiving information for other WLAN controllers in the mobility domain” (claim 8) [proposed by HPE]</p>	<p>plain and ordinary meaning</p>	<p>“receive information including an IP address for other WLAN controllers in the mobility domain” “receiving information for other WLAN controllers in the mobility domain”</p>

Date: April 27, 2021

Respectfully submitted,

By: /s/ Raymond W. Mort, III
Raymond W. Mort, III
Texas State Bar No. 00791308
raymort@austinlaw.com
THE MORT LAW FIRM, PLLC
100 Congress Avenue, Suite 2000
Austin, Texas 78701
tel/fax: (512) 677-6825

Alessandra C. Messing
New York State Bar No. 5040019
amessing@brownrudnick.com
Timothy J. Rousseau
New York State Bar No. 4698742
trousseau@brownrudnick.com
Yarelyn Mena
(*pro hac vice*)
ymena@brownrudnick.com
BROWN RUDNICK LLP
7 Times Square
New York, New York 10036
telephone: (212) 209-4800
facsimile: (212) 209-4801

Edward J. Naughton
Massachusetts State Bar No. 600059
enaughton@brownrudnick.com
Rebecca MacDowell Lecaroz
(*pro hac vice*)
rlecaroz@brownrudnick.com
BROWN RUDNICK LLP
One Financial Center
Boston, Massachusetts 02111
telephone: (617) 856-8200
facsimile: (617) 856-8201

David M. Stein
Texas State Bar No. 797494
dstein@brownrudnick.com
Sarah G. Hartman
California State Bar No. 281751
shartman@brownrudnick.com
BROWN RUDNICK LLP
2211 Michelson Drive, 7th Floor
Irvine, California 92612

By: /s/ Michael D. Hatcher
Michael D. Hatcher
Texas State Bar No. 24027067
Callie C. Butcher
Texas State Bar No. 24092203
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, TX 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400
mhatcher@sidley.com
cbutcher@sidley.com

Michael R. Franzinger
DC Bar No. 500080
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
Telephone: (202) 736-8000
Facsimile: (202) 736-8711
mfranzinger@sidley.com

Barry K. Shelton
Texas State Bar No. 24055029
SHELTON COBURN LLP
311 RR 620, Suite 205
Austin, TX 78734-4775
Telephone: (512) 263-2165
Facsimile: (512) 263-2166
bshelton@sheltoncoburn.com

**COUNSEL FOR DEFENDANT
HEWLETT PACKARD ENTERPRISE
COMPANY**

telephone: (949) 752-7100

facsimile: (949) 252-1514

Counsel for Plaintiff

WSOU Investments, LLC d/b/a

Brazos Licensing and Development